

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

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4 TERRANCE T. WALSH,

Case No. 2:16-cv-01855-APG-NJK

5 Plaintiff,

ORDER

6 v.

7 SHERIFF JOE LOMBARDO et al.,

8 Defendants.

9 This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a former
10 state prisoner. On March 29, 2018, I ordered Plaintiff to file his updated address with this court
11 within 30 days. ECF No. 6 at 1. The 30-day period has now expired, and Plaintiff has not filed his
12 updated address or otherwise responded to the Court's order.

13 District courts have the inherent power to control their dockets and "[i]n the exercise of
14 that power, they may impose sanctions including, where appropriate . . . dismissal" of a case.
15 *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may
16 dismiss an action, with prejudice, based on a party's failure to prosecute an action, failure to obey
17 a court order, or failure to comply with local rules. *See Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th
18 Cir. 1995) (dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-
19 61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of
20 complaint); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to comply
21 with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S. Postal*
22 *Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order);
23 *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and
24 failure to comply with local rules).

25 In determining whether to dismiss an action for lack of prosecution, failure to comply with
26 a court order or local rules, the court must consider several factors: (1) the public's interest in
27 expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of
28 prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and

1 (5) the availability of less drastic alternatives. *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d
2 at 1423-24; *Malone*, 833 F.2d at 130; *Ferdik*, 963 F.2d at 1260-61; *Ghazali*, 46 F.3d at 53.

3 In this case, the first two factors, the public's interest in expeditiously resolving this
4 litigation and my interest in managing the docket, weigh in favor of dismissal. The third factor,
5 risk of prejudice to the defendants, also weighs in favor of dismissal, because a presumption of
6 injury arises from the occurrence of unreasonable delay in filing a pleading ordered by the court
7 or prosecuting an action. *See Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth
8 factor – public policy favoring disposition of cases on their merits – is greatly outweighed by the
9 factors in favor of dismissal discussed herein. Finally, a court's warning to a party that his failure
10 to obey the court's order will result in dismissal satisfies the "consideration of alternatives"
11 requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132-33; *Henderson*, 779 F.2d at 1424.
12 My order requiring Plaintiff to file his updated address with the Court within 30 days expressly
13 stated: "IT IS FURTHER ORDERED that, if Plaintiff fails to timely comply with this order, the
14 Court shall dismiss this case without prejudice." ECF No. 6 at 2. Thus, Plaintiff had adequate
15 warning that dismissal would result from his noncompliance with my order to file his updated
16 address within 30 days.

17 It is therefore ordered that this action is dismissed without prejudice based on Plaintiff's
18 failure to file an updated address in compliance with my March 29, 2018, order.

19 It is further ordered that the Clerk of Court shall enter judgment accordingly.

20 DATED THIS 7th day of May 2018.

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22 UNITED STATES DISTRICT JUDGE
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